

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 6, 2006

D047301 People v. Watson

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D047812 In re Allen on Habeas Corpus

The petition is denied.

D047801 In re Darulis on Habeas Corpus

The petition is denied.

D046579 People v. Panza

The judgment is affirmed. McDonald, J.; We concur: Benke, Acting, P.J., Huffman, J.

D047476 Burrill v. County of San Diego

Upon written request filed by appellant, the appeal filed November 28, 2005, is dismissed and the remittitur is ordered to issue immediately as to American Broadcasting Companies only (Cal. Rules of Court, rule 20 (c)(2)).

D045956 Baker et al. v. Tramutola et al.

The order is affirmed. The matter is remanded to the trial court for its determination of the amount of an attorney fees award to the Tramutolas for the two appeals. The Tramutolas are also entitled to costs on appeal. McConnell, P.J.; We Concur: Haller, J., O'Rourke, J.

D045725 People v. Munoz

Munoz's convictions are affirmed. His sentence is vacated and the matter is remanded to the trial court for resentencing on count 7 in accordance with part III.B., ante, of this opinion. Irion, J.; We Concur: McConnell, P.J., Benke, J.

**D047076 United Services Automobile Association v. Superior Court of San Diego
County/Norton**

Let a writ of mandate issue directing the superior court to vacate its order denying summary judgment and to enter summary judgment in USAA's favor. The stay issued by this court on September 20, 2005, will be vacated when the opinion is final as to this court. Each party to bear its own costs in this writ proceeding. Haller, J.; We Concur: Benke, P.J., Huffman, J.

D045903 People v. Perez

The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., Haller, J.

D045444 Sinha v. The Regents of the University of California

Judgment affirmed. Benke, Acting P.J.; McDonald, J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 6, 2006 (Continued)

D045112 People v. Christopher

Pursuant to California Rules of Court, rules 976(b) and 976.1, this opinion is certified for partial publication with the following exceptions (see order).

D045508 In re Natural Gas Anti-Trust Cases I, II, III & IV

The order declaring Thayer a vexatious litigant is reversed. Thayer is awarded his costs on appeal. CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: Huffman, Acting P.J., Irion, J.

D047441 In re Marriage of Martinez

Upon written request filed by appellant, the appeal is dismissed.

D047312 In re Marriage of Grasela

Upon written request filed by appellant, the appeal is dismissed.

D047912 Tucci v. Duran

Pursuant to California Rules of Court, rule 8, the appeal filed January 9, 2006, is dismissed for appellant's failure to timely designate the record.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 7, 2006

D047971 Stafford v. The Superior Court of San Diego County/Concrete Images International, Inc.

The petition is denied.

D046520 In re Javier G., a Juvenile

Rehearing is granted on the court's own motion in the opinion filed herein on February 7, 2006.

D046520 In re Javier G., a Juvenile

The judgment is affirmed. CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: McDonald, Acting P.J., Aaron, J.

D046161 Holmes v. McGuire

The order is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., McDonald, J.

D047015 In re Steven D., a Juvenile

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., Aaron, J.

D045686 Liker et al. v. The Foundation for the Preservation of the Mt. Helix Nature Theater

The second amended judgment is reversed and the matter is remanded with directions that the trial court vacate its March 15, 2005 order and second amended judgment, and conduct further proceedings consistent with the views expressed in this opinion. Foundation shall recover its costs of appeal. McDonald, J.; We Concur: Haller, Acting P.J., Aaron, J.

D047055 People v. Ruvalcaba

The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D046946 In re I.G. et al., Juveniles

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., McIntyre, J.

D045967 People v. Dominguez

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., Aaron, J.

D046814 People v. Gutierrez

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., McDonald, J.

D046079 People v. Irvin

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D048054 Robinson v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 7, 2006 (Continued)

D047962 Marilyn S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Marilyn S. has notified the court that after reviewing the record and consulting with trial counsel, he has decided not to file a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5. The case is dismissed.

D047625 Stu Segall Productions Inc., et al. v. Superior Court of San Diego County/Cox et al.

At the request of petitioner, the petition for writ of mandate is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 8, 2006

D047720 Olegario A. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

D041355 In re Marriage of Rogozienski

The appeal is dismissed. Each party to bear its own costs on appeal. Benke, Acting P.J.;
We Concur: McDonald, J., McIntyre, J.

D045626 In re Marriage of Rogozienski

The trial court's order upholding Judge Allen's November 12, 2002, statement of decision and its incorporation into the judgment of November 25, 2002, is reversed. In all other respects the order of the trial court is affirmed. Costs on appeal are awarded to Frank E. Rogozienski. Benke, Acting P.J.;
We Concur: McDonald, J., McIntyre, J.

D046067 Ninkovic v. Charest

Because the trial court's express and implied findings are fully supported by the record, the judgment is affirmed. Charest to recover her costs of appeal, including her reasonable attorney fees.³ Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

³ The amount of attorney fees should be determined by the trial court. (See *Genis v. Krasne* (1956) 47 Cal.2d 241).

D046444 People v. Lauesi

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Huffman, J.

D048148 Franco et al. v. Superior Court of San Diego County/Ecology Auto Parts Inc., et al.

The petition is denied.

D047988 Gater v. Superior Court of San Diego County/People

The petition is denied.

D048129 Angelica S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Angelica S's notice of intent to file a writ petition and petition for extraordinary writ, received on March 3, 2006, has been reviewed by Presiding Justice McConnell and Associate Justices Benke and Aaron. Angelica S. lacks standing. The case is dismissed.

D046729 People v. Reid

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 9, 2006

D045393 People v. Reyes

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., O'Rourke, J.

D047023 In re Alejandra P., a Juvenile

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., Irion, J.

D0476320 People v. Cunningham

The judgment is affirmed. Aaron, J. We Concur: Nares, Acting P.J., O'Rourke, J.

D047914 In re Elonte F. et al., Juveniles

The motion to file notice of appeal constructively and for stay of adoption proceedings, as well as the January 27, 2006 dismissal of the appeal, have been read and considered by Presiding Justice McConnell and Associate Justices Benke and Aaron. The appeal remains dismissed and the motion and stay request are denied.

D048073 Alexander v. San Diego Unified School District

Appellant's request for permission to Appeal filed with this court on March 6, 2006 is denied. (Code of Civ. Proc., section 391.7, subd. (b)). The appeal filed with the Superior Court on February 21, 2006, is dismissed.

D046103 Rancho Santa Fe Association v. Dolan-King

The order is affirmed. The Association's motion for attorney fees on appeal is granted in the amount of \$13,560. Costs on appeal to the Association. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D047185 Hect, Solberg, Robinson, Goldberg & Bagley v. Superior Court of San Diego County/Panther

The petition for writ of mandate is denied. Each party is to bear its own costs. CERTIFIED FOR PUBLICATION. Huffman, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D046902 People v. Ochoa

D046903 People v. Ochoa

The judgments are affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Haller, J.

D047021 In re Natasha D., a Juvenile

The order terminating the juvenile court's jurisdiction is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D048074 Houlihan v. Evans

The petition is denied.

D047385 In re Marriage of Costa

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 9, 2006 (Continued)

D046773 In re Patricia M., a Juvenile

The judgment terminating parental rights is reversed, and the matter is remanded to the juvenile court with directions to hold a new 366.26 hearing in accordance with the views expressed in this opinion. Huffman, Acting P.J., We Concur: McDonald, J., O'Rourke, J.

D047410 Rasp v. Vista Del Oro Apartments Investors, LLC

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D047867 In re Lomeli on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 10, 2006

D046387 People v. Erbe

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D047931 Andrea F. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Andrea F. has notified the court that a petition for writ of mandate under California Rule of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D048023 Marco M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Marco M. has notified the court that a petition for writ of mandate under California Rule of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D045567 People v. Drees

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., Irion, J.

D046935 People v. Petrone

The judgment is affirmed. Huffman, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D046534 People v. Sorce

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D046000 Hall v. Shamrock

The judgment is affirmed. Shamrock is entitled to costs on appeal. McDonald, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D047832 In re Romero on Habeas Corpus

The petition is denied.

D047763 Lucas v. Workers' Compensation Appeals Board/Pacific Event Productions Inc., et al.

The petition is denied.